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11 Attorneys for Plaintiff

12 [Additional counsel on signature page]

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 DAVID A. SEARS, Derivatively On Behalf Of )  
16 Geron Corporation, )

17 Plaintiff, )

18 vs. )

19 DAVID L. GREENWOOD, ALEXANDER E. )  
BARKAS, KARIN EASTHAM, EDWARD V. )  
20 FRITZKY, THOMAS HOFSTAETTER, )  
CHARLES J. HOMCY, HOYOUNG HUH, )  
21 THOMAS D. KILEY, THOMAS B. )  
OKARMA, and ROBERT J. SPIEGEL, )

22 Defendants, )

23 and )

24 GERON CORPORATION, )

25 Nominal Defendant. )  
26

No. 4:11-CV-00479-PJH

STIPULATION AND [PROPOSED] ORDER  
REGARDING VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE

1 WHEREAS Plaintiff David A. Sears (the "Plaintiff"), Nominal Defendant Geron Corporation  
2 ("Geron") and Defendants David L. Greenwood, Alexander E. Barkas, Karin Eastham, Edward V.  
3 Fritzky, Thomas Hofstaetter, Charles J. Homey, Hoyoung Huh, Thomas D. Kiley, Thomas B.  
4 Okarma and Robert J. Spiegel (the "Defendants") hereby provide their written consent to the  
5 voluntary dismissal of the above-captioned action (the "Action") filed by Plaintiff, without  
6 prejudice, in its entirety as to Geron and the Defendants;

7 WHEREAS, Plaintiff, Geron and the Defendants (collectively the "Stipulating Parties")  
8 represent and affirm that no consideration, either direct or indirect, has been given in exchange for  
9 dismissal without prejudice of the Action;

10 WHEREAS the Stipulating Parties have agreed to each bear their own costs and fees related  
11 to the Action; and

12 WHEREAS the Stipulating Parties agree that each side complied in good faith with both Fed.  
13 R. Civ. P. Rule 11 and California Code of Civil Procedure §128.7 in connection with the Action;

14 THEREFORE, the Stipulating Parties hereby stipulate and request that the Court approve the  
15 voluntary dismissal of the Action without prejudice and order the Stipulating Parties to bear their  
16 own fees and costs.

17 IT IS SO STIPULATED.

18 DATED: March 2, 2011

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Attorneys for Plaintiff

I, Kathleen A. Herkenhoff, am the ECF User whose ID and password are being used to file this Stipulation And [Proposed] Order Regarding Voluntary Dismissal Without Prejudice. In compliance with General Order 45, X.B., I hereby attest that Ignacio E. Salceda has concurred in this filing.

DATED: March 2, 2011

WILSON SONSINI GOODRICH & ROSATI  
BORIS FELDMAN  
IGNACIO E. SALCEDA  
ANGIE YOUNG KIM  
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Attorneys for Nominal Defendant Geron  
Corporation and Defendants David L.

Greenwood, Alexander E. Barkas, Karin Eastham, Edward V. Fritzky, Thomas Hofstaetter, Charles J. Homcy, Hoyoung Huh, Thomas D. Kiley, Thomas B. Okarma and Robert J. Spiegel

**ORDER**

The Court, having reviewed the Stipulation and [Proposed] Order Regarding Voluntary Dismissal Without Prejudice, HEREBY ORDERS THAT:

The above-captioned action (the "Action") shall hereby be voluntarily dismissed, without prejudice, in its entirety as to Nominal Defendant Geron Corporation ("Geron") and Defendants David L. Greenwood, Alexander E. Barkas, Karin Eastham, Edward V. Fritzky, Thomas Hofstaetter, Charles J. Homcy, Hoyoung Huh, Thomas D. Kiley, Thomas B. Okarma and Robert J. Spiegel (the "Defendants"). Plaintiff, Geron and the Defendants are to bear their own costs in connection with the Action.

IT IS SO ORDERED.

DATED: 3/7/11



**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I also caused the individuals on the manual service list and the attached service list to be served via U.S. mail.

A handwritten signature in black ink, appearing to read "Kathleen A. Herkenhoff", is written over a horizontal line.

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## Mailing Information for a Case 4:11-cv-00479-PJH

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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**GERON SERVICE LIST**

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Thomas D. Kiley, Thomas B. Okarma and  
Robert J. Spiegel